



**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155  
<http://www.blm.gov>



IN REPLY REFER TO:  
3100 / (UT-922)

JUN 14 2007

CERTIFIED MAIL – Return Receipt Requested

**DECISION**

James Catlin	:	Protest to the Inclusion of Five
Wild Utah Project	:	Parcels in the May 16, 2006
68 S. Main Street, Ste. 400	:	Competitive Oil and Gas Lease Sale
Salt Lake City, Utah 84101	:	

**Protest Denied**

On March 31, 2006, the Bureau of Land Management (BLM) provided notice that 295 parcels of land would be offered in a competitive oil and gas lease sale on May 16, 2006. The notice also indicated that the protest period for the lease sale would end May 1, 2006. In a letter received by BLM on May 1, 2006, Wild Utah Project<sup>1</sup> on behalf of “the parties”, consisting of the Sierra Club, Wild Utah Project, Western Wildlife Conservancy, The Wilderness Society, and Biodiversity Conservation Alliance, protested the inclusion of the following five parcels of land all of which are located on public lands administered by BLM’s Salt Lake Field Office (SLFO).

UT0506-003  
UT0506-004  
UT0506-005  
UT0506-006  
UT0506-010

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<sup>1</sup> Since the protest does not indicate that James Catlin is a full-time employee of, an officer of, or the attorney for the Sierra Club, Western Wildlife Conservancy, The Wilderness Society or the Biodiversity Conservation Alliance, it appears he is not authorized to represent these parties before the Department. See 43 C.F.R. § 1.3(b)(3) (2004); *Sigma M. Exploration, Inc.*, 145 IBLA 182, 186(1996) (“An individual who is not at attorney may practice in regard to a matter in which he represents himself, a member of his family, a partnership of which he is a member, or a corporation, business trust, or association of which he is an officer or full-time employee. The regulation does not authorize practice by an “agent” or an individual performing a service for a client other than as an attorney.”). Therefore, only Wild Utah Project is recognized as a party to this protest.

The protest alleges that the referenced parcels have not been subjected to the pre-leasing environmental analysis required by the National Environmental Policy Act (NEPA). The protest also contends that the BLM has violated an agreement to collaborate and share information as part of the Rich County Coordinated Resource Management Program by not presenting the lease sale parcels for consideration to this group. Finally, the protest also claims that important wildlife habitat would not be adequately managed under the relevant stipulations, and that the offering of the parcels would cause unnecessary or undue degradation of the public lands.

### **BLM has Conducted Adequate Pre-Leasing NEPA Analysis**

The Wild Utah Project protest alleges that there has not been adequate pre-leasing NEPA analysis conducted, and contends that the environmental analysis from the Randolph Management Framework Plan (MFP) is inadequate. The protest also claims that because the BLM failed to present the oil and gas lease parcels for consideration to the Rich County Coordinated Resource Management Program, it has not fulfilled its coordination requirements with this group.

However, the oil and gas leasing categories in the Randolph MFP were revised as a result of the Bear River East Plan Amendment, completed in 1994. The Bear River East Plan Amendment Environmental Assessment (EA) analyzed a range of alternatives for oil and gas leasing, and was subjected to both public, local government, and interagency review at that time. Further, the Interior Board of Land Appeals (IBLA) has found that this EA adequately addresses the effects of oil and gas leasing and provides the requisite "hard look" at the leasing stage (Southern Utah Wilderness Alliance, 166 IBLA 270, 285 (2005)).

As evidence of what it asserts would be inadequate management of important wildlife habitat in the event the subject parcels were to be leased, the protest cites only arguments made by the Biodiversity Conservation Alliance in the Atlantic Rim region of Wyoming, and fails to identify any specific issues relevant to the protested parcels.

The Wild Utah Project protest fails to identify any procedural or legal errors in the BLM's decision to offer parcels UT0506-003, UT0506-004, UT0506-005, UT0506-006, and UT0506-010 in the May 16, 2006 oil and gas lease sale. The record shows that the BLM considered the issues raised by Wild Utah Project in its protest, and offered the subject parcels in accordance with applicable law and policy. Wild Utah Project's protest to the above-referenced five parcels is denied in its entirety.

The parcels that are the subject of this decision are also the subject of other protests. Resolution of those other protests may govern whether or not the leases for the subject parcels will be issued.

This decision may be appealed to the Interior Board of Land Appeals (Board), in accordance with the regulations contained in 43 CFR Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the



above address) within 30 days of receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR § 4.21; 58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay also must be submitted to each party named in this decision and to the Interior Board of Land Appeals Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 at the same time they are submitted to this office. Copies of the notice of appeal, petition for stay and any supporting documentation also must be filed with the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the documents with the authorized officer and/or IBLA (see 43 CFR § 4.413). If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted,  
and
- (4) Whether the public interest favors granting the stay.



Selma Sierra  
State Director

#### Enclosures

1. Form 1842-1 (2pp)
2. List of purchasers (1p)

cc: Office of the Solicitor, 125 So. State St., Ste 6201, SLC, UT 84138

List of Purchasers for May 2006  
Wild UT Protested Parcels

Energy Investments  
168 Parkveiw  
Golden, CO 80401

Nerd Gas Company LLC  
1701 East E Street  
Casper, WY 82609

Utah Northern Wasatch, LP  
111 Soledad, Suite 250  
San Antonio, TX 78205

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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| <b>1. NOTICE OF APPEAL.....</b>  | A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the <b>FEDERAL REGISTER</b> , a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).   |
| <b>2. WHERE TO FILE NOTICE OF APPEAL.....<br/>WITH COPY TO SOLICITOR....</b> | Bureau of Land Management, Utah State Office, P. O. Box 45155, Salt Lake City, Utah 84145-0151 or<br>Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101<br>and<br>Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111   |
| <b>3. STATEMENT OF REASONS<br/><br/>WITH COPY TO SOLICITOR.....</b>          | Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).<br><br>and<br>Regional Solicitor, Room 6201, 125 South State Street, Salt Lake City, Utah 84111  |
| <b>4. ADVERSE PARTIES.....</b>   | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.   |
| <b>5. PROOF OF SERVICE.....</b>  | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).   |
| <b>6. REQUEST FOR STAY.....</b>  | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.<br><br>Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.



#### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)